

04 NCAC 24C .0207 is proposed for amendment as follows:

04 NCAC 24C .0207 RESCHEDULING A HEARING

(a) ~~An Appeals Referee may continue a hearing for “good cause” as defined in 04 NCAC 24A .0105. Either before or during a hearing, an Appeals Referee, on his or her own motion, or on the motion of a party, may continue or adjourn a hearing for “good cause” in accordance with 04 NCAC 24A .0105.~~ In addition to the reasons set forth in G.S. 96-15(d1), the reasons for which a continuance or an adjournment, may be granted at the request of a party when a party, witness, or the Appeals Referee is unavailable due to includes the following:

- (1) ~~illness; of the party;~~
- (2) ~~death in the~~ of an immediate family member. Immediate family member is defined as an individual’s wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, granddaughter, regardless of whether the relationship is a biological, adoptive, step-, half-, or in-law relationship;
- (3) a need to obtain an interpreter or translator;
- (4) a religious observance;
- (5) jury duty;
- (6) actively seeking legal representation;
- (7) appearance in court or another proceeding before the Division or the Board of Review; ~~appearance unrelated to DES;~~
- (8) active military duty;
- (9) a scheduling conflict created by new employment; or to accommodate return-to-employment activities of the claimant; or
- (10) to accommodate the business needs of the employer;
- (11) a scheduling conflict of the Appeals Referee; or
- (12) based on the operation and scheduling needs of the Appeals Section.

(b) Any request for continuance by a party prior to the hearing shall be made in writing to the Appeals Referee listed on the Appeals Hearing Notice, or where applicable, Order for Continuance or Order for Adjournment. The written request shall explain the reasons the request is being sought. ~~Before a hearing, requests for a continuance of the hearing shall be made to the designated Appeals Referee orally or in writing. The request for a continuance of a hearing shall specifically state and explain the reasons for the request.~~

(c) Unless the parties are notified by the Appeals Referee or the Appeals Section that a request for continuance has been granted, the hearing will be conducted as scheduled.

*History Note: Authority G.S. 96-4; 96-15;
Eff. July 1, 2015;
Amended Eff. June 1, 2022.*